

To: Quast, Sylvia[Quast.Sylvia@epa.gov]; Levine, Carolyn[Levine.Carolyn@epa.gov]
Cc: Keener, Bill[Keener.Bill@epa.gov]
From: Maier, Brent
Sent: Fri 8/14/2015 11:02:20 PM
Subject: RE: My Call with Ernesto Rodriguez in Sen. Heinrich's Office

Sylvia/Carolyn –

Attorney Client/Ex. 5

Brent Maier

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From: Maier, Brent

Sent: Friday, August 14, 2015 3:56 PM

To: 'ernesto_rodriguez@heinrich.senate.gov'

Cc: Quast, Sylvia; Levine, Carolyn; Keener, Bill

Subject: EPA Follow Up on Claims Process Issue Related to Gold King Mine

Ernesto Rodriguez, Legislative Assistant

Office of Senator Martin Heinrich

Ph: 202-228-1609

Ernesto -

Nice talking with you. As promised here is the information we discussed regarding your reaching out to my EPA Region IX Regional Counsel colleague, Sylvia Quast, who alerted me about the claims form issues that have been inaccurately reported in the press. I wanted to let you know that EPA is working on some Agency FAQs that will cover more of the claims process and they will be posted on the Gold King Mine website (link below) in the next few days.

EPA has put together the following statement regarding the claims process to address some of the inaccuracies in the press which I want to share with you here as well.

EPA is not offering immediate reimbursements for damages from the Gold King Mine water and it is not true that if someone submits a claim that by doing so they limit or waive future rights.

EPA's Federal Tort Claims Act (FTCA) regulation provides that a person may amend their claim form at any time prior to reaching a settlement with EPA, or before the person files a lawsuit under the FTCA. Additionally, a person claiming an injury or damage has two years from the date of the event to file a claim with EPA under the FTCA. (40 CFR Part 10).

While EPA has made Form 95 available for filing a claim, EPA has also noted on the Region 8 website that:

“Standard Form 95 is not required to present a claim under the FTCA, but it is a convenient format for supplying the information necessary to bring an FTCA claim. Please note that a completed form must state a claim for money damages in a “sum certain” amount (that is, a specific amount) claimed for personal injury, death, or injury to or loss of property.”

For the latest information on the response to the Gold King Mine release please link to www.epa.gov/goldkingmine

There is a daily conference call (Monday – Friday) scheduled for **1:00pm – 1:30pm PT (4:00pm – 4:30pm ET)** coordinated by EPA Region 8 in Denver to update Congressional staff, elected officials and other state and local representatives on EPA activities in follow up to the Gold King Mine Release.

Please call in for the latest information.

Call-In Number: Nonresponsive Conference Code

Conference Code: Nonresponsive Conference Code

Regards,

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